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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

TRAYLOR BROS., INC., an Indiana
corporation doing business as TRAYLOR
PACIFIC,

Plaintiff,

v.

SAN DIEGO UNIFIED PORT DISTRICT,
a California public corporation,

Defendant.

Case No. '08 CV 1019 L JMA

JOINT MOTION TO TEMPORARILY
STAY ACTION AND CONTINUE
HEARING DATE ON PENDING
MOTIONS TO ALLOW MEDIATION
TO RESUME

ORAL ARGUMENT NOT REQUIRED

Date: July 30, 2008

Courtroom: 11

District Judge: Hon. M. James Lorenz

Magistrate Judge: Hon. Jan M. Adler

Plaintiff TRAYLOR BROS., INC. ("TRAYLOR") and Defendant the SAN DIEGO
UNIFIED PORT DISTRICT (the "PORT DISTRICT")(collectively the "Parties"), by and through
their respective attorneys of record, hereby submit the following joint motion to temporarily stay this
action and continue the hearing date on pending motions to allow the Parties to resume mediation.

This Joint Motion is based upon the following stipulated facts:

1. Prior to TRAYLOR filing suit, the Parties engaged in various negotiations in an
attempt to resolve the disputes that are the subject of this action, including almost two years of
confidential mediation before Timothy V. P. Gallagher, Esq.;

2. TRAYLOR filed the instant action on June 6, 2008, and served the PORT DISTRICT
with the Summons and the Complaint on June 10, 2008;

1 3. On June 30, 2008, the PORT DISTRICT filed a motion to dismiss TRAYLOR's
2 Third Claim for Relief pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and a
3 motion to strike TRAYLOR's allegations relating to, and TRAYLOR's prayer for, special or
4 consequential damages pursuant to Rule 9(g) of the Federal Rules of Civil Procedure (hereinafter
5 collectively the "Pleading Motions");

6 4. The Pleading Motions are each noticed for hearing on Monday, August 18, 2008,
7 such that TRAYLOR's opposition papers are due on Monday, August 4, 2008, and the PORT
8 DISTRICT's reply papers are due on Monday, August 11, 2008;

9 5. The Parties have determined that they should resume the mediation before Mr.
10 Gallagher to further explore settlement of the disputes that are the subject of this action;

11 6. The Parties would like to resume the mediation without expending the costs and
12 judicial resources of litigating the Pleading Motions or otherwise actively litigating this action;

13 7. The Parties agree that: a) the Parties should resume the mediation before Mr.
14 Gallagher and complete the resumed mediation prior to Monday, October 6, 2008; b) all litigation
15 activity, including discovery, should be stayed until Monday, October 6, 2008; and c) the hearing
16 date for the Pleading Motions should be continued until Monday, October 20, 2008, such that, in the
17 event the mediation fails or the Parties do not otherwise settle, TRAYLOR's opposition papers will
18 not be due until Monday, October 6, 2008, and the PORT DISTRICT's reply papers will not be due
19 until Monday, October 13, 2008. The Parties further agree that any Party may, during the pendency
20 of the above stay, seek to lift the stay upon noticed application to the Court for good cause shown;

21 and

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1 8. This Joint Motion may be executed and filed electronically with the Court in
2 counterparts with facsimile or electronic signatures, each of which shall be deemed an original and
3 all of which together shall be deemed one paper.

4 Dated: July 30, 2008

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation

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7 By: s/ Robert P. Allenby
Robert P. Allenby
Attorneys for Plaintiff
8 TRAYLOR BROS., INC.
E-mail: allenby@shlaw.com
9

10 Dated: July 30, 2008

DALEY & HEFT, LLP

11
12 By: s/ Scott Noya
Scott Noya
13 Attorneys for Defendant
SAN DIEGO UNIFIED PORT DISTRICT
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1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF CALIFORNIA

3 TRAYLOR BROS., INC., an Indiana
4 corporation doing business as TRAYLOR
PACIFIC,

5 Plaintiff,

6 v.

7 SAN DIEGO UNIFIED PORT DISTRICT,
8 a California public corporation,

9 Defendant.

Case No. '08 CV 1019 L JMA

CERTIFICATE OF SERVICE

Date: July 30, 2008

Courtroom: 11

District Judge: Hon. M. James Lorenz

Magistrate Judge: Hon. Jan M. Adler

10 IT IS HEREBY CERTIFIED THAT:

11 I, SHAUNA M. MATHENY, am a citizen of the United States and am at least eighteen years
12 of age. My business address is 550 West "C" Street, Suite 1500, San Diego, California 92101.

13 I am not a party to the above-entitled action. I have caused service of the following
14 documents:

- 15 1. **JOINT MOTION TO TEMPORARILY STAY ACTION AND CONTINUE**
16 **HEARING DATE ON PENDING MOTIONS TO ALLOW MEDIATION TO**
RESUME; [PROPOSED] ORDER

17 on the following parties by electronically filing the foregoing with the Clerk of the District Court
18 using its ECF System, which electronically notified them.

19 Scott Noya, Esq.; Daley & Heft, Attorneys for San Diego Unified Port District
20 snoya@daley-heft.com

21 I declare that I am employed in the office of a member of the bar of this court at whose
22 direction the service was made. Executed on July 30, 2008, at San Diego, California.

23
24 /s Shauna M. Matheny

Shauna M. Matheny

E-mail: matheny@shlaw.com